

EDMUND G. BROWN JR., Attorney General
of the State of California
CHRIS LEONG, State Bar No. 141079
Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, California 90013
Telephone: (213) 897-2575
Facsimile: (213) 897-9395

Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2006 64655

FARZANA ANJUM
7528 Wynstone Place
Fontana, California 92336

A C C U S A T I O N

Physical Therapist License No. PT 28186,
Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California (Board), Department of Consumer Affairs.

2. On or about March 20, 2003, the Board issued Physical Therapist License number PT 28186 to Farzana Anjum (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2008, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless

1 otherwise indicated.

2 4. Section 2609 of the Code states:

3 The board shall issue, suspend, and revoke licenses and approvals to practice
4 physical therapy as provided in this chapter.

5 5. Section 2660 of the Code states:

6 The board may, after the conduct of appropriate proceedings under the
7 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
8 probationary conditions upon any license, certificate, or approval issued under this chapter for
9 unprofessional conduct that includes, but is not limited to, one or any combination of the
10 following causes:

11 . . .

12 (d) Conviction of a crime which substantially relates to the qualifications,
13 functions, or duties of a physical therapist or physical therapy assistant. The record of
14 conviction or a certified copy thereof shall be conclusive evidence of that conviction.

15 . . .

16 (l) The commission of any fraudulent, dishonest, or corrupt act which is
17 substantially related to the qualifications, functions, or duties of a physical therapist or
18 physical therapy assistant.

19

20 6. Section 2661 of the Code states:

21 A plea or verdict of guilty or a conviction following a plea of nolo contendere
22 made to a charge of a felony or of any offense which substantially relates to the qualifications,
23 functions, or duties of a physical therapist is deemed to be a conviction within the meaning of
24 this article. The board may order the license suspended or revoked, or may decline to issue a
25 license, when the time for appeal has elapsed, or the judgement of conviction has been affirmed
26 on appeal or when an order granting probation is made suspending the imposition of sentence,
27 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person
28 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict

1 of guilty, or dismissing the accusation, information, or indictment.

2 7. California Code of Regulations, Title 16, section 1399.20, states:

3 For the purposes of denial, suspension or revocation of a license, pursuant to
4 Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be
5 considered to be substantially related to the qualifications, functions or duties of a person
6 holding a license under the Physical Therapy Practice Act if to a substantial degree it
7 evidences present or potential unfitness of a person to perform the functions authorized
8 by the license or approval in a manner consistent with the public health, safety or welfare.
9 Such crimes or acts shall include but not be limited to the following:

10 (a) Violating or attempting to violate, directly or indirectly, or assisting in or
11 abetting the violation of, or conspiring to violate any provision or term of the Physical
12 Therapy Practice Act.

13

14 8. Section 2661.5, subdivision (a) of the Code states:

15 (a) In any order issued in resolution of a disciplinary proceeding before the board,
16 the board may request the administrative law judge to direct any licensee found guilty of
17 unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable
18 costs of the investigation and prosecution of the case.

19 FIRST CAUSE FOR DISCIPLINE

20 (Conviction of a Crime)

21 9. Respondent is subject to disciplinary action under sections 2660,
22 subdivision (d), and 2661 of the Code, and California Code of Regulations, Title 16, section
23 1399.20, subdivision (a), in that she was convicted of a crime substantially related to the
24 qualifications, functions, or duties of a physical therapist. The circumstances are as follows:

25 A. On or about May 6, 2006, a Montclair police officer responded to a report
26 of a theft at a Macy's store. The loss prevention agent at Macy's informed the police
27 officer that while viewing a closed circuit television monitor, she observed Respondent
28 select several pairs of earrings from a display in the Fashion Accessory Department.

1 Respondent walked to the first floor escalator with the merchandise in her hand, then
2 proceeded to the second floor escalator where she concealed the merchandise in her
3 purse. She then went to the Women's Department on the third floor of the store, walked
4 around and took the escalator down to the second floor. Respondent passed several open
5 and operating cash registers, but made no attempt to pay for the concealed merchandise.
6 She exited through the doors, and was detained by loss prevention agents.

7 Respondent was escorted to the loss prevention office where the earrings were
8 recovered from her purse, along with a watch and some hair ornaments, valued at about
9 \$221.98. Respondent was placed under citizen's arrest for petty theft and the police were
10 contacted. Respondent was transported to the Montclair Police Department and was
11 issued a Notice to Appear.

12 B. On or about May 9, 2006, in San Bernardino County Superior Court Case
13 No. MWV104704, Respondent was charged with petty theft of retail merchandise, in
14 violation of Penal Code section 490.5, subdivision (a), a misdemeanor.

15 C. On or about April 11, 2007, Respondent was convicted pursuant to her
16 plea of guilty to petty theft. Respondent was placed on probation for two years with the
17 following terms and conditions: pay a fine of \$555.00 and a fee of \$35.00, serve 2 days in
18 county jail (with credit for 2 days) and stay away from Macy's.

19 SECOND CAUSE FOR DISCIPLINE

20 (Commission of a Fraudulent, Dishonest or Corrupt Act)

21 10. Respondent is subject to disciplinary action under section 2660,
22 subdivision (l) of the Code in that she committed a fraudulent, dishonest or corrupt act. The facts
23 and circumstances, set forth in Paragraph 9 of this Accusation, are incorporated herein by
24 reference.

25 //

26 //

27 //

28 //

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1. Revoking or suspending Physical Therapist License Number PT 28186 issued to Farzana Anjum;

3. Taking such other and further action as deemed necessary and proper.

LA2007601738